

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CRIMINAL ACTION</b>
<b>v.</b>	:	
	:	<b>14-107-1</b>
<b>KYLE COSTELLO</b>	:	

**ORDER**

**AND NOW**, this 17<sup>th</sup> day of August 2015, upon consideration of defendant's motion to dismiss, doc. no.67, and the government's response thereto, doc. no 68, and upon further consideration of the government's motion *in limine*, doc. no. 71, and the government's reponse thereto, and following argument on both motions, **IT IS HEREBY ORDERED:**

1. The motion to dismiss the indictment, doc. no. 67, is **DENIED**.
2. The government's motion *in limine*, doc. no. 71, is **GRANTED in part**.<sup>1</sup>

BY THE COURT

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.

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<sup>1</sup> The theory of the defendant's case was that another individual, Eric Coates, was the person pictured in the video surveillance of the bank robbery. The government's motion sought to preclude any reference to the anonymous tip that Eric Coates was the robber, as well as evidence of Eric Coates prior criminal record. I granted the government's motion as to Mr. Coates criminal record as reverse Rule 404(b) pursuant to United Sates v. Williams, 458 F.3d 312, 314 (3d Cir. 2006). However, I allowed defense counsel to inquire into the Eric Coates anonymous tip. During trial, Detective Robert Wanner, one of the government's witnesses, testified about Mr. Coates prior record, and I permitted defense counsel to cross examine Det. Wanner about his knowledge of Mr. Coates' criminal history.